



## Court of Appeals of Georgia

June 30, 2015

TO: Mr. Ralph Edward Isley, GDC952987, Washington State Prison, Post Office Box 206,  
Davisboro, Georgia 31018

RE: **A15D0446. Ralph Edward Isley v. The State**

### CHECK RETURN

- Your check number \_\_\_\_\_ in the amount of \_\_\_\_\_ written on the account of your firm for the filing fee in \_\_\_\_\_ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by \_\_\_\_\_.

### APPLICATION - DISPOSED

- The referenced application was denied on June 29, 2015..**

### CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the \_\_\_\_\_ Term and a decision must be rendered by the Court by the end of the \_\_\_\_\_ Term which ends on \_\_\_\_\_.

### APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

To: Clerk of  
Court of Appeals of Georgia  
Suite 501  
47 Trinity Avenue  
Atlanta, Georgia 30334

RECEIVED IN OFFICE  
2015 JUN 26 PM 3:21  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

From: Ralph Edward Isley  
952987  
Washington State Prison  
PO Box 206  
Dunwoody, GA 30118

June 23, 2015

Dear Clerk,

Noted in this brief, are two (2) letters to me, from Paulding County Superior Court Judge, Tony Beavers (dated 2-9-15 and 4-9-15), informing me that concerning case No. 97CR-393, "The Warrent cannot be located."

In the event, that when Paulding County Superior Court Clerk Treva Sheton, sends you copies of the record for this case, she fails to send copies of these letters, please let me know. I will mail you copies of them.

Respectfully,  
Ralph Edward Isley

Application # A15D0446  
Application Date: 6-5-15  
Case # 97CR393

RECEIVED IN OFFICE  
2015 JUN 26 PM 3:21  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

**CERTIFICATE OF SERVICE**

I, Ralph Edward Isley (Your Name), hereby certify that I have cause to

be served a copy of the foregoing

Brief in Support of Motion to Appeal Trial Court's Denial of (Title of Motion) upon  
Motion to Vacate Due to Structural Error

All Concerned Parties (Position/Title of Opposing Party) by

sending a true copy of the same by United States mail in a proper envelope with

adequate postage, properly addressed to:

1 <u>Treva Shelton</u>	2 <u>Clerk of Court of Appeals of Georgia</u>	3 _____
<u>Superior Court Clerk</u>	<u>Suite 501</u>	_____
<u>280 Constitution Blvd.</u>	<u>47 Trinity Avenue</u>	_____
<u>Room 1023</u>	<u>Atlanta, Georgia 30334</u>	_____
<u>Dallas, GA 30132</u>	_____	_____

4 _____	5 _____	6 _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

This 23<sup>rd</sup> day of June, 2015

Ralph Edward Isley  
Plaintiff, Pro Se  
Washington State Prison  
P.O. Box 206  
Davisboro, Georgia 31018

petitioner is filing as an indigent person

## AFFIDAVIT

I, Ralph Edward Isley, affirm under the penalty of perjury that the following statements are true and correct to the best of my personal knowledge, personal observation and personal belief, not meaning to mislead.

Executed this 23<sup>rd</sup> day of June, 2015.

Ralph Edward Isley  
Ralph Edward Isley  
Affiant

## STATEMENT

I am not an attorney, nor am I trained in law. Therefore, I am entitled to the more liberal construction. I do not believe there were legal warrants issued in my case, and therefore the courts were without jurisdiction to arrest and prosecute me. Therefore, this is a challenge to the court's jurisdiction, and their denial to my Motion to Vacate Due to Structural Errors.

DATE MAILED

JUN 27 11 55

Washington State District  
Courtroom

RECEIVED IN OFFICE

2015 JUN 26 PM 3:22

Court of Appeals of Georgia  
State of Georgia

CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

Ralph Edward Isley  
GDC # 952987  
Petitioner

v

The State  
Respondent

Court of Appeals of Georgia  
Application # A1500446  
Application Date 6-5-15

Paulding County Case  
Number 97 CR 393

Brief in Support of Motion to Appeal Trial Court's Denial of  
Motion to Vacate Due to Structural Error Pro Se

CLAIM I

Structural Error Due to Lack of Jurisdiction

Petitioner on the 22<sup>nd</sup> day of April, 2015, filed a motion to vacate his conviction due to structural error, alleging no warrant was issued to give the court's personal jurisdiction over him, thus also depriving court of subject matter jurisdiction. It was held in *Shadwick v City of Tampa*, 407 US 345, 92 S Ct 2119 (1972) that "In order for a search warrant or arrest warrant to be valid, it must be signed by a Magistrate who is authorized to hold a Court of Inquiry." See OCGA § 17-7-20, OCGA § 15-6-23. See also opinion of Attorney General U. 2000-11.

Pursuant to OCGA § 15-7-41, OCGA § 17-8-5, Civil Code 1895 § 4360, and Uniform Superior Court Rules 36.6, The Superior Court Clerks are required to keep regular minutes of their proceedings from day to day. Petitioner twice requested certified copies of the arrest warrant. Paulding County Superior Court Judge, Tony Beavers responded that "The warrant cannot be located." For a court to be legal, and a court of records, it must preserve the records, either in hard copy, such as microfiche, or paper, or in digital storage, or some other method whereby the records are perpetually kept. So, why is the record silent?

In *Martin v State* 139 GA App 8 (1976) Defendant correctly argues that the absence of an affidavit upon which an accusation "must be based, rendered the criminal proceedings null and void." Affidavit is essential to

support an accusation and without such an Affidavit the whole trial is a Nullity" Chauney v State, 129 GA App 207, 208 (199 SE 2d 391). The Great Logan Bleckley describes the situation in this colorful language, "A valid Affidavit being wanted, the bottom is knocked out of the case. It is a tub with only staves and Loops and will hold nothing." Scoggins v State, 55 GA 380, 382 (139 GA App 9). Accordingly the judgement must be Reversed. Since the establishment of Jurisdiction of Person as well as Subject Matter is fundamental, and without such is mere Nullity, and cannot be held by Latches. The Challenge of Jurisdiction in the Motion was never Addressed, therefore by Tacit Agreement the Court Agreed they Did Not Have Jurisdiction, nor did they attempt to Prove Jurisdiction, which is Mandatory. The purpose of minutes and records is to prevent Stare Chamber Decisions!

---

## Claim II Structural Errors

Since the Counsel is Part and Parcel of the Court as an officer of the Court, the Objective Hinderance for Cause can be attributed to him / government For Cause Prong, as Counsel failed to do his fundamental duty in seeing the Arrest Warrant was official, was properly presented and made part of Record, including the Affidavit attached thereto as probable cause. The Petitioner suffered Irreparable Harm and an Illegal Trial. All of which Prejudiced him. But for the Prejudicial Effects there is a Reasonable Probability he would not have suffered as stated Supra. (Prejudice Prong) The Fraudulent and Devoid Application of Trial, Fraudulently Acting as if there was a Warrant, Infected the whole Process and Tainted Every Count.

It was held in United States v Roy, 761 F 3rd 1285 (2014) where Structural Error has occurred, the entire trial is Unfair and the conviction as to all counts ARE TAINTED. Further, in OCGA § 5-5-22, Lack of Subject Jurisdiction for Making Illegal Evidence Presentation to the Grand Jury, such Illegal Presentation voids Indictment and Amounts to Prosecutorial Misconduct.

The Alleged Warrant, twice being Attested to that it "cannot be located," by Paulding County Superior Court Judge Tonny Beavers, shows

now by it's nonexistence that first, an Arrest Warrent was fraudulently Represented to the Grand Jury, and second, that the Grand Jury, being Mislead concerning it's existence, therefore handed down an Illegal Indictment that was Void Ab Initio therefrom.

A limiting exception to the rule denying a Malicious Prosecution Plaintiff the benefit of the invalidation of his conviction an "exception for convictions" obtained by some type of fraud. Ante at 2371 N4 citing: City Livestock Co v Butcher's Union Slaughterhouse Co. 120 US 141, 151. 7 S Ct 472, 477. 30 L Ed 614 (1887). Fraud was committed by alleging an Arrest Warrent where none existed, then the same Act of Fraud was passed to the Grand Jury for the Indictment. The court proceeded to fraudulently convince Petitioner a Warrent was Legally obtained on him. Then his Counsel continued the Act and recommended him to Plea on this Fraudulent and NonExisting Warrent used to Obtain Personal Jurisdiction on him - ALL Structural Error in it's Very Nature as Mechanics of Trial were Corrupted.

It was held in Rose v Clark, 478 at 587, 92 L Ed 460, 106 S Ct 3101 (1986) - The Search for Truth is indeed central to our System of Justice, but "Certain Constitutional Rights are not, and should Not be Subject to harmless error analysis" because these rights protect important values that are unrelated to the truth-seeking function of the trial.

The Lack of a Warrent, the Failure to give effective Benefit of Counsel and Failure of Fair Trial / Hearing as a result of Lack of Personal Jurisdiction and Supra. All is Fundamental to Due Process and are the Mechanics of Trial and it Failed Miserably and Amounts to Structural Error.

---

### Claim III Structural Error

Petitioner asserts that the Court did not gain Personal Jurisdiction over him because no Legal Warrent was ever issued Him, this then amounted to A Judicial Arrest and Conviction, It is Forbidden in the Constitution of the United States and Contrary to USCA § 5<sup>th</sup> and 14<sup>th</sup> Amendments. § 14 on Due Process as it inflicted Irreparable Harm to

Him having to Undergo Such Wrongful Injury. One of which the Average Person of intelligence would not expect to endure, also § 14 on Equal Protection of the Law. Other Persons Accused of Committing Infamous Crimes would as Similarly Situated Expect to be treated Fairly and Constitutionally. In fact this is further USCA § 8 Cruel and Unusual Punishment, which would shock the Conscience of the Average Person to be treated as such by our elected officials and others who owe a duty of Loyalty to the Constitution of the United States and the Constitution of the State of Georgia, 1983. This Separation of Powers: Executive, Judicial and Legislative powers are to Remain Forever Separate. Thus the Whole Trial, and a hearing is a trial For Due Process Purposes, is VOID. It is Structural Error and Not Trial Error and the Failure to Object lays with Counsel and is Contributed to Government as Cause (Cause Prong).

Because Counsel's Failure even to Object to these issues Caused Petitioner to be Subjected to Illegal Arrest, Indictment and Conviction. But for these errors it is a good probability he would not Suffered the Illegal Acts Supra. (Prejudice Prong)

---

### Conclusion

Because of the Wrongful and Illegal Acts which Amounted to Structural Error, the Petitioner prays this Honorable Court Remand this Case to Trial Court With Instructions to Vacate His Conviction, and any other relief the Court Should Grant.

Ralph Edward Isley  
Ralph Edward Isley  
Petitioner